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John P. Shannon
MEREK, BLACKMON & VOORHEES, LLC
673 S. WASHINGTON ST
ALEXANDRIA VA 22314

18 JUL 2006

In re Application of:
KATO, Yusaku, et al. :
U.S. Application No.: 10/563,114 :
PCT No.: PCT/JP2004/008598 :
International Filing Date: 18 June 2004 :
Priority Date: 02 July 2003 :
Atty Docket No.: KAS.073 :
For: RUBBER CRAWLER TRACK AND :
METHOD OF PRODUCING CORE :
METAL FOR RUBBER CRAWLER :
TRACK :
:

DECISION ON REQUEST TO
CORRECT INVENTOR'S NAME

This decision is issued in response to the "Petition To The Director Under 37 CFR 1.181" filed 08 June 2006, treated herein as a request to correct a transliteration error in one of the inventor's names. No petition fee is required.

BACKGROUND

On 18 June 2004, applicants filed international application PCT/JP2004/0008598. The international application claimed a priority date of 02 July 2003, and it designated the United States. On 13 January 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 03 January 2006 (the USPTO was closed on 02 January 2006 for a federal holiday).

The published international application listed three inventors for the purposes of the United States: Yusaku KATO, Tsuyoshi NAITO, and Tatsuya NORITO.

On 03 January 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, a translation of the international application into English, and an executed declaration. The name of the second inventor on the declaration was listed as Tsuyoshi UCHIYAMA, rather than Tsuyoshi NAITO (as this inventor was identified on the published international application).

On 19 April 2006, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date. The Notification Of Missing

Requirements noted that the declaration filed 03 January 2006 was defective based on the change in the second inventor's name.

On 08 June 2006, applicants filed the "Petition To The Director Under 37 CFR 1.181" considered herein, accompanied by payment of a \$130 petition fee. The petition requests acceptance of the declaration filed 03 January 2006, asserting that the discrepancy between the second inventor's name in the declaration and the international application was the result of a transliteration error.

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition is not required, nor is a new oath or declaration needed. Here, applicants' 08 June 2006 submission confirms that the correct name of the second inventor is Tsuyoshi UCHIYAMA, as listed on the declaration filed 03 January 2006, and it includes a statement from the person who prepared the international application confirming that the listing of this inventor's name as Tsuyoshi NAITO in the international application was the result of a transliteration error.

Based on the 08 June 2006 submission, the correct name for the second inventor is accepted as Tsuyoshi UCHIYAMA, as set forth in the declaration filed 03 January 2006. In light of this correction, the declaration filed 03 January 2006 is now acceptable under 37 CFR 1.497. Because the declaration was filed prior to expiration of thirty months from the priority date, no surcharge payment is required.

CONCLUSION

Applicants' 08 June 2006 request to correct the inventor's name is **GRANTED**. The name of record for the second inventor is accepted as **Tsuyoshi UCHIYAMA**, as set forth in the declaration filed 03 January 2006. Based on the correction of the inventor's name, the declaration filed on 03 January 2006 is acceptable under 37 CFR 1.497.

The petition fee filed with the 08 June 2006 submission is unnecessary and will therefore be refunded to Deposit Account No. 50-0562.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 03 January 2006.



Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459